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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,169	01/20/2004	Takao Kawazu	01272.020651	6650
5514	7590	12/06/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			CHEN, SOPHIA S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2852	
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

6K

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/759,169		KAWAZU ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sophia S. Chen		2852	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/25/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-35 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/3/04 &amp; 2/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species II (corresponding to Figures 12-19) in the response filed 10/25/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Ex parte Quayle***

2. This application is in condition for allowance except for the following formal matters:

### ***Drawings***

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 128 (Figure 3), 129 (Figure 3), 11 (Figure 4), and 63 (Figures 5A and 5B). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 3110 (page 57, line 16, etc.) and 3603 (page 65, line 13). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by

the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because of the following informalities:
  - a. The sectional cross-hatching of 31 (Figures 4A, 5A, and 5B), 34 (Figures 4A and 4B), 2304a (Figure 15C), and 2307 (Figure 15C) is incorrect.
  - b. Figure 6, step S504, “a” should be “D1”.
  - c. Figure 9, step S504, “a” should be “D1”.
  - d. Figure 12, “2105” (between 2109 and 2117) should be “2116”.
  - e. Figure 20, “3304” (between 3304 and 3308) should be “3306”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "P" has been used to designate both "a transfer material" (page 36, line 26, etc. and Figures 12 and 14) and "one side of a current transformer" (page 62, line 15 and Figure 23). Also, reference character "S" has been used to designate both "a print paper" (page 16, lines 10-11, etc. and Figure 3) and "one side of a current transformer" (page 62, line 16 and Figure 23).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

9. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

Art Unit: 2852

requested in correcting any errors of which applicant may become aware in the specification.

10. The disclosure is objected to because of the following informalities:

- a. Page 18, line 1, "resist roller 125" should be "resist roller clutch 125".
- b. Page 39, line 18, "109" should be "2109".
- c. Page 45, last line, "." is missing at the end of the sentence.
- d. Page 48, line 8, "2701" should be "S2701".
- e. Page 48, line 9, "2702" should be "S2702".
- f. Page 48, line 16, "2703" should be "S2703".
- g. Page 48, line 19, "2704" should be "S2704".
- h. Page 48, line 21, "2702" should be "S2702".
- i. Page 49, line 1, "2702" should be "S2702".
- j. Page 49, line 4, "2706" should be "S2706".
- k. Page 49, line 5, "2708" should be "S2708".
- l. Page 49, line 7, "2709" should be "S2709".
- m. Page 49, line 10, "2707" should be "S2707".
- n. Page 49, line 21, "2705" should be "S2705".
- o. Page 49, line 23, "2708" should be "S2708".
- p. Page 49, line 25, "2710" should be "S2710".
- q. Page 49, line 26, "2701" should be "S2701".
- r. Page 52, line 26, "2801" should be "S2801".
- s. Page 53, line 6, "2803" should be "S2803".

Art Unit: 2852

- t. Page 53, line 11, "2804" should be "S2804".
- u. Page 53, line 13, "2802" should be "S2802".
- v. Page 53, line 20, "2802" should be "S2802".
- w. Page 53, line 23, "2806" should be "S2806".
- x. Page 53, line 24, "2808" should be "S2808".
- y. Page 53, line 25, "2809" should be "S2809".
- z. Page 54, line 2, "2807" should be "S2807".
- aa. Page 54, line 14, "2805" should be "S2805".
- bb. Page 54, line 16, "2808" should be "S2808".
- cc. Page 54, line 18, "2810" should be "S2810".
- dd. Page 54, line 19, "2801" should be "S2801".

Appropriate correction is required.

### ***Claims***

- 11. Claim 31 contains the following informality: line 1, "15" should be "20" to avoid being identical to claim 26. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.



***Allowable Subject Matter***

12. Claims 15-35 are allowable over the prior art of record. (Claim 31 contains a minor informality.)
13. The following is a statement of reasons for the indication of allowable subject matter: Claim 15 is allowable over the prior art of record because the prior art of record does not teach or suggest an image fusing device having control means for controlling electricity to the heater so that a current flowing in the heater is equal to a preset current value and for correcting the preset target current value when the temperature detected by the temperature detection means as the transfer material passes through the nip portion deviates from a preset temperature range. Claim 20 is allowable over the prior art of record because the prior art of record does not teach or suggest an image fusing device having control means for controlling electricity to the heater so that a temperature of the heater is equal to a preset target temperature and for correcting the preset target temperature when the current detected by the current detection means as the transfer material passes through the nip portion deviates from a preset range.

***Citation of Pertinent Prior Art***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomoyuki et al. (US Pat. No. 5,444,521) discloses an image fusing device comprising a fixing film adapted to move in contact with a heater, a pressure member, temperature detection means, and control means.

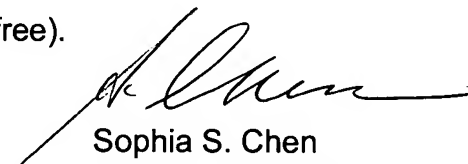
Matsudaira et al. (JP 06-131061 A) discloses an image fusing device comprising a heater, a temperature sensor, a current sensor, and a CPU.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (571) 272-2133. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sophia S. Chen  
Primary Examiner  
Art Unit 2852

Ssc  
December 5, 2005